

EXHIBIT 1

Volume 2

Pages 216 - 438

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE WILLIAM H. ALSUP

ORACLE AMERICA, INC.,)	
)	
Plaintiff,)	
)	
VS.)	No. C 10-3561 WHA
)	
GOOGLE, INC.,)	
)	
Defendant.)	
<hr/>		San Francisco, California
		Tuesday, May 10, 2016

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

For Plaintiff: ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, California 94105
BY: ANNETTE L. HURST, ESQUIRE
GABRIEL M. RAMSEY, ESQUIRE

(Appearances continued on next page)

Reported By: Katherine Powell Sullivan, CSR #5812, RMR, CRR
Pamela A. Batalo, CSR No. 3593, RMR, FCRR
Official Reporters - U.S. District Court

OPENING STATEMENT / BICKS

1 there anything else that you would like for me to say?

2 **MR. VAN NEST:** I don't believe so, Your Honor.

3 **MR. BICKS:** No, Your Honor. I'm ready to go.

4 **THE COURT:** So at this time on behalf of Oracle
5 America, Inc., Mr. Bicks will give the opening statement.

6 You have one our.

7 **MR. BICKS:** Thank you, Your Honor.

8 And, Dawn, could I have the system turned on?

9 **THE CLERK:** It is on.

10 **MR. BICKS:** Thank you.

11 **OPENING STATEMENT**

12 **MR. BICKS:** Good morning, ladies and gentlemen. You
13 know my name is Peter Bicks, and I'm actually thrilled now to
14 present this opening statement for the women and men of Oracle.
15 We know that we've taken you away from your jobs and your
16 lives, and I can say for both sides, thank you.

17 You probably sensed yesterday and you can sense looking
18 out here now that this is an important case with a lot at
19 stake. Ladies and gentlemen, this is an important case. And
20 there is a lot at stake. It involves fundamental principles of
21 fairness and business conduct, and in this case, how the
22 defendant Google acted outside of business-acceptable conduct.

23 I wrote over on this board a couple numbers: 100,000, 3
24 billion. By the time I'm finished with my opening statement,
25 100,000 smartphones with an Android operating system will be

1 will tell you this. You may be saying what are examples of
2 fair use? Here are some examples in the law. Criticism.
3 That's not what Android is. Comment. That's not what Android
4 is. News reporting. A news reporter can copy, show a clip
5 from something to explain a story. That's not what this is.
6 Classroom use. A teacher can make a copy to teach people in a
7 classroom. And that's not what this is either. Scholarship,
8 research. That's not what Android is all about.

9 These are examples, and then in this case, we'll have some
10 principles that the Court will tell you about that we'll see if
11 Google can go beyond these examples, which Google will never
12 suggest have anything to do with this case.

13 So what are those rules? The first question here is why
14 did Google copy Oracle's property? Was it for commercial
15 reasons or not for profit?

16 Was Google's use transformative? That's going to be a
17 word you'll hear in this case, *transformative*. It's got
18 specific legal meaning that the Court will tell you about.

19 Did Google act in good faith? Very important question.
20 The evidence will show they acted outside of the law, and you
21 will decide if that is good faith, if that is acceptable
22 conduct.

23 Is the API package design that I showed you creative, and
24 if so, how creative? That's a question that we'll focus on.

25 Are the API packages important? Why did Google take them

(Counsel confer off the record.)

MS. HURST: 8:00 p.m., Your Honor.

THE COURT: Agreed?

MR. PAIGE: Agreed.

THE COURT: Very well. Thank you.

MR. PAIGE: Thank you, Your Honor.

THE COURT: See you tomorrow at 7:30.


(At 1:11 p.m. the proceedings were adjourned until
Wednesday, May 11, 2016.)

- - - -

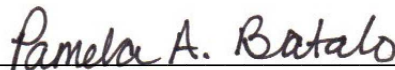
CERTIFICATE OF REPORTERS

We certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

DATE: May 10, 2016



Katherine Powell Sullivan, CSR #5812, RMR, CRR
U.S. Court Reporter



Pamela A. Batalo, CSR No. 3593, RMR, FCRR
U.S. Court Reporter